

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NO. C 06-01407 JW  
NO. C 06-02202 JW

In re: County of Monterey Initiative Matter

and

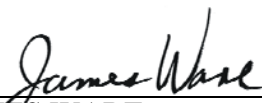
**ORDER CONSOLIDATING CASES;  
SETTING NEW HEARING DATE**

In re: Monterey Referendum

On December 13, 2006, the Court conducted a case management conference to address Defendant's Motion to Consolidate "In re: County of Monterey Initiative Matter, C-06-1407-JW" and "In re: Monterey Referendum, C-06-2202-JW." Upon consideration of the parties' arguments, and for judicial economy and efficiency, the Court orders the cases consolidated. The consolidation is for the purposes of pretrial motions only, specifically cross-motions for summary judgment in light of the Ninth Circuit's *en blanc* ruling in Padilla v. Lever and on the issue of whether the convening of a three judge court is necessary. The cases shall maintain their separate designated case names.

The hearing date for all motions is specially set for **February 27, 2007 at 9 a.m.** The parties shall meet and confer, and stipulate to a briefing schedule for the motions consistent with the hearing date.

Dated: December 27, 2006

  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Ciaran ;Sullivan [cosullivan@nossaman.com](mailto:cosullivan@nossaman.com)  
3 Fredric D. Woocher [fwoocher@strumwooch.com](mailto:fwoocher@strumwooch.com)  
4 Joaquin Guadalupe Avila [avilaj@seattleu.edu](mailto:avilaj@seattleu.edu)  
5 Leroy W. Blankenship [blankenshipl@co.monterey.ca.us](mailto:blankenshipl@co.monterey.ca.us)  
6 Michael J. Strumwasser [mstrumwasser@strumwooch.com](mailto:mstrumwasser@strumwooch.com)  
7 Stephen N. Roberts [sroberts@nossaman.com](mailto:sroberts@nossaman.com)

8 **Dated: December 27, 2006**

**Richard W. Wieking, Clerk**

9 **By: /s/ JW Chambers**  
10 **Elizabeth Garcia**  
11 **Courtroom Deputy**